



General Assembly

January Session, 2003

Raised Bill No. 6360

LCO No. 2790

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING ENVIRONMENTAL JUSTICE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (1) As used in sections 1
2 to 3, inclusive, of this act, and section 16-50p of the general statutes, as
3 amended by this act, "environmental justice" means the equal
4 protection and meaningful participation of people of all races, cultures
5 and income levels in the development of laws, regulations and policies
6 to ensure that no segment of the population bears a disproportionate
7 burden of environmental risk by virtue of place of residence,
8 education, employment, recreation, protected class status under
9 federal, state and local civil rights laws, or amount and source of
10 income, and that no segment of the population has a disproportionate
11 exposure to emissions into the atmosphere, watercourses,
12 groundwater or soil of the state, and (2) "environmental justice action
13 plan" means an agency-wide plan for environmental justice that
14 identifies and addresses disproportionately high and adverse human
15 health or environmental effects of a program, policy or activity on
16 minority and low-income populations.

17 Sec. 2. (NEW) (*Effective October 1, 2003*) (a) The Connecticut Siting

18 Council, the Department of Environmental Protection, the Department
19 of Public Utility Control, the Department of Motor Vehicles, the
20 Connecticut Resources Recovery Authority, the Bristol Resources
21 Recovery Authority and Eastern Connecticut Resources Recovery
22 Authority shall each develop an environmental justice action plan and
23 shall specifically address and consider such environmental justice
24 action plan prior to granting any license, permit or authorization, or
25 taking any action that could have human health or environmental
26 effects.

27 (b) In developing an environmental justice action plan, each
28 department, council or authority shall consider each of its programs,
29 policies, planning and public participation processes, enforcement
30 actions and rulemaking related to human health or the environment,
31 and shall revise such programs, policies, processes and actions as
32 appropriate to (1) promote enforcement of all health and
33 environmental statutes in areas with minority populations and low-
34 income populations, (2) ensure greater public participation in agency
35 decision-making, (3) improve research and data collection relating to
36 the health and environment of minority and low-income populations,
37 and (4) identify differential patterns of consumption of natural
38 resources among minority and low-income populations.

39 Sec. 3. (*Effective from passage*) The Commission on Human Rights
40 and Opportunities shall review the environmental justice action plan
41 of each department, council or authority, identify any barriers to the
42 achievement of environmental justice and report, in accordance with
43 section 11-4a of the general statutes, its recommendations regarding
44 the implementation of such plans to the Governor and to the joint
45 standing committees of the General Assembly having cognizance of
46 matters relating to public health and the environment no later than
47 January 1, 2004.

48 Sec. 4. Subsection (a) of section 16-50p of the general statutes is
49 repealed and the following is substituted in lieu thereof (*Effective*

50 *October 1, 2003):*

51 (a) In a certification proceeding, the council shall render a decision
 52 upon the record either granting or denying the application as filed, or
 53 granting it upon such terms, conditions, limitations or modifications of
 54 the construction or operation of the facility as the council may deem
 55 appropriate. The council's decision shall be rendered within twelve
 56 months of the filing of an application concerning a facility described in
 57 subdivision (1) or (2) of subsection (a) of section 16-50i or subdivision
 58 (4) of said subsection (a) if the application was incorporated in an
 59 application concerning a facility described in subdivision (1) of said
 60 subsection (a), and within one hundred eighty days of the filing of any
 61 other application concerning a facility described in subdivision (4) of
 62 said subsection (a), and an application concerning a facility described
 63 in subdivision (3), (5) or (6) of said subsection (a), provided such time
 64 periods may be extended by the council by not more than one hundred
 65 eighty days with the consent of the applicant. The council shall file,
 66 with its order, an opinion stating in full its reasons for the decision.
 67 Except as provided in subsection (c) of this section, the council shall
 68 not grant a certificate, either as proposed or as modified by the council,
 69 unless it shall find and determine: (1) A public need for the facility and
 70 the basis of the need; (2) (i) the nature of the probable environmental
 71 impact, including a specification of every significant adverse effect,
 72 whether alone or cumulatively with other effects, on, and conflict with
 73 the policies of the state concerning, the natural environment, ecological
 74 balance, public health and safety, scenic, historic and recreational
 75 values, forests and parks, air and water purity and fish, aquaculture
 76 and wildlife, and (ii) the adequacy and responsiveness of the
 77 environmental justice action plan considered by the applicant in
 78 planning the construction or operation of the facility; (3) why the
 79 adverse effects or conflicts referred to in subdivision (2) of this
 80 subsection are not sufficient reason to deny the application; (4) in the
 81 case of an electric transmission line, (A) what part, if any, of the facility
 82 shall be located overhead, (B) that the facility conforms to a long-range
 83 plan for expansion of the electric power grid of the electric systems

84 serving the state and interconnected utility systems and will serve the
 85 interests of electric system economy and reliability, and (C) that the
 86 overhead portions of the facility, if any, are cost effective and the most
 87 appropriate alternative based on a life-cycle cost analysis of the facility
 88 and underground alternatives to such facility, and are consistent with
 89 the purposes of this chapter, with such regulations as the council may
 90 adopt pursuant to subsection (a) of section 16-50t, and with the Federal
 91 Power Commission "Guidelines for the Protection of Natural Historic
 92 Scenic and Recreational Values in the Design and Location of Rights-
 93 of-Way and Transmission Facilities" or any successor guidelines and
 94 any other applicable federal guidelines; (5) in the case of an electric or
 95 fuel transmission line, that the location of the line will not pose an
 96 undue hazard to persons or property along the area traversed by the
 97 line. The terms of any agreement entered into by the applicant and any
 98 party to the certification proceeding, or any third party, in connection
 99 with the construction or operation of the facility, shall be part of the
 100 record of the proceedings and available for public inspection. The full
 101 text of any such agreement, and a statement of any consideration
 102 therefor, if not contained in the agreement, shall be filed with the
 103 council prior to the council's decision. This provision shall not require
 104 the public disclosure of proprietary information or trade secrets.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>October 1, 2003</i>

Statement of Purpose:

To ensure that, in planning, construction and operation activities, all aspects of environmental justice shall be considered and activities revised accordingly.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

